

Motor would not waive service. Defendant Hyundai Motor filed its Motion to Dismiss on August 22, 2012. On October 31, 2012, this court heard argument on the motion. As of that date, Plaintiffs had still not served Hyundai Motor under the Hague Convention, and Plaintiffs informed the court, during that hearing, that they were not very far along in the process.

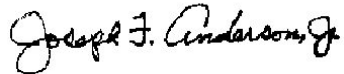
Fed. R. Civ. P. 4(m) imposes a 120-day time limit on service of a summons and complaint. Service in a foreign country is exempted from that general 120-day time limit; however, several federal courts have determined that the time period for effecting service upon a foreign corporation is not without limits and that a plaintiff must act diligently and effectuate service abroad within a reasonable period of time. *See, e.g., USHA (India) Ltd. v. Honeywell Int'l, Inc.*, 421 F.3d 129, 134 (2d Cir. 2005) (“[Rule 4(m)’s] exception does not apply if, as here, the plaintiff did not attempt to serve the defendant in the foreign country.”); *Nylok Corp. v. Fastener World Inc.*, 396 F.3d 805, 807 (7th Cir. 2005) (“[T]he amount of time allowed for foreign service is not unlimited If, for example, a plaintiff made no attempt to begin the process of foreign service within 120 days, it might be proper for a court to dismiss the claim.”).

Here, Hyundai Motor asks this court to find that the Plaintiffs have been unreasonable in failing to effect service upon the Korean corporate defendant though the Plaintiffs filed the summons and complaint over a year ago, and Hyundai Motor further seeks the dismissal of all claims asserted against it. Plaintiffs oppose the motion but fail to provide the court with any good cause for their delay in serving Hyundai Motor. Plaintiffs have known for over six months now that they would need to serve Hyundai

Motor under the Hague Convention, yet they have failed to effect service or even to get very far along in that process. The court agrees with Hyundai Motor that Plaintiffs' delay in service is unreasonable, and, as such, the court hereby grants Hyundai Motor's motion. Accordingly, all claims against Defendant Hyundai Motor ("Hyundai Motor Korea" according to the Complaint) are dismissed.

IT IS SO ORDERED.

November 8, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge